

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-65-2024

Date of Decision:-18.07.2024

Aman Khan.

.....Petitioner.

Vs.

State of Chandigarh U.T.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. mandeep Kumar Dhot, Advocate for
Mr. Inder Pal Singh, Advocate for the Petitioner.

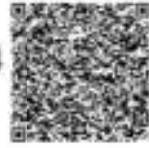
Mr. Shashank Bhandari, Addl. PP U.T., Chandigarh assisted by
ASI Jitender Kumar, Crime Branch, Chandigarh.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case bearing FIR No.0009 dated 31.01.2023 under Sections 379, 411, 34 IPC registered at P.S. Maloya, Chandigarh.

2. The present FIR came to be registered at the instance of Muskan which reads as under:-

“ To SHO Sahib, P.S Maloya, Chandigarh, Sir it is requested that I Muskan D/o Raj Kumar R/o1168 DMC U.T Chandigarh aged about 17 years am residing along with my family and work on the cloth shop in sector-37D Chandigarh. Today I and my younger sister namely Rano went out of Shop to house, when we reached near the Vita booth sector 38 West at about 9:20PM. Then two bike riders out of which one was bearing helmet and was wearing grey colour track suit and pillion rider was wearing black clothes and black Maflar and black cap and were riding on black colour Splander type bike came from behind of us and snatched my mobile phone of white colour make Oppo having SIM No. 9878131071 to



whom I would identify on coming in front of me. The Police action against both the persons be taken. Sd/- Muskan, Mob.7341130047. DOB 07.12.2006 dated 30.01.2023."

3. FIR No.66 dated 06.06.2023 under Section 379-A, 411, 34 IPC P.S. Maloya, Chandigarh had been registered against unknown persons. The petitioner was arrested in the said case and thereafter nominated as an accused in the present FIR.

4. The Counsel for the petitioner contends that petitioner has been falsely implicated in the present case. In fact no one was named in the FIR. It was only later during the course of the investigation, that the investigating agency had planted two cases and shown false recoveries of mobile phones from the petitioner. As the petitioner was a 21 year old boy, in custody since 25.07.2023 but only 02 of the 12 prosecution witnesses have been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail more so he had already been granted the said concession in FIR No.66 dated 6.6.2023.

5. The Counsel for the State, on the other hand contends that the allegations against the petitioners were grave. Pursuant to his arrest multiple phones have been recovered from him and his co-accused. He was a habitual offender with other cases registered against him. Therefore, he was not entitled to the concession as prayed for. He however concedes that the petitioner was in custody since 25.07.2023, only 02 of the 12 Pws had been examined so far and that in the other case registered against him he had been granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and



his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 25.07.2023 but only 02 of the 12 Pws have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not required.

8. Thus, without commenting upon the merits of the case, the present petitions are allowed and the petitioner-**Aman Khan** son of Sh. Firoj Khan is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case/crime other than the cases mentioned above.

10. In addition, the petitioner (someone else on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

11. This petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 18, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No